

REMARKS

Applicants respectfully request reconsideration followed by allowance.

Please be sure to correct the PTO records so mail is directed only to Applicants' appointed counsel. See e.g., October 30, 2002 "Fourth Request To Correct the PTO Records For This Application."

The amended specification presents corrected idiomatic English.

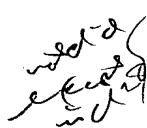
The new claims 13-28 replace original claims 1-11. The new claims have been drafted in more conventional U.S. claim format while being faithful to the original specification disclosure, including pages, lines 1-7 and lines 16-17.

Amended claim 12 reflects revision consistent with the original specification.

Applicants acknowledge with appreciation the Examiner's constructive suggestions for presenting claims more in line with routine U.S. claim practice. Applicants respectfully urge the Examiner to reconsider and withdraw objections based on matters of form. If there are any questions, please call the undersigned.

Applicants respectfully submit that claims 13-28 define novel and unobvious inventions. Claim 12 currently stands withdrawn from consideration but Applicants request its rejoinder.

The elected claims 13-28 each define a novel, unobvious invention under 35 U.S.C. §103 over Shaw et al., Hashimoto et al., Kobayashi et al. or Yajima et al.

 The Hashimoto et al. reference and Yajima et al. reference, as characterized in the Office Action, concern denatured gluten, but neither has been cited for developing a non-denatured-(or at least essentially non-denatured) wheat gluten, or vital wheat gluten. The Hashimoto et al. reference (USP 3,814,815) relates to methods of manufacturing base gum of chewing gums. Gluten denatured to more than 10% is used as the raw material. Example 1 refers to the use of dry denatured gluten (25% denatured) and glycerin containing water (= a mixture of two parts glycerin and 1 part water).

The Yajima et al. reference is similarly deficient. The reference describes a food composition, which includes denatured gluten. Column 1, line 55, describes the rim of the invention:

to provide a process for preparing an edible chewing gum having such an elasticity and an extensibility as to give comfort similar to that of the chewing gum of the prior art.

The process is characterized in that the gliadin of gluten is denatured. Column 17 refers to the use of dry denatured gluten whereto water-containing glycerol (water content: 33.3%) is added.

Adding denatured gluten to glycerol that contains 33% water would not have taught or motivated a person of ordinary skill in the art to undenatured gluten or vital gluten. The Examiner will appreciate that denatured gluten has a lower MW than gluten. Gluten is less soluble in non-aqueous medium, and would have been expected to require higher content of water, and yet the current invention has demonstrated that non-detnated (or essentially non-denatured) gluten can be developed in non-aqueous medium containing less than 20% of water.

The Kobayashi et al. reference (USP 5,603,977) relates to a gummy starch and method for preparation of the same. It provides a gummy starch prepared by combining a starch and saccharide and subsequently heating the mixture. The main topic of the invention is the gummy starch which can be used together with other "gummy" products. This is the correct reading of Example 17. In this Example 10, g of gummy starch (prepared according to Example 1) is kneaded together with 5 g of rice-wax and 5 g of gluten. In total, 20 g "gummy" products are applied, of which 1/4 by weight is gluten. Furthermore, 2.5 g of glycerol is added. One would be remiss indeed to characterize this as a kneading method of gluten in glycerol. Besides, gluten is only a small part of the 'gummy' product available and only a minor amount of glycerol is used. Since gluten is only mentioned really in passing in a gummy product of Example 17, it is already clear that kneading of gluten is certainly not the thrust of USP 5,603,977 and this means the rejection has its genesis in hindsight.

Lastly, the presented elected claims would have been unobvious to a person of ordinary skill in the art over the Shaw reference. The Shaw reference (USP 5,366,740) relates to chewing gum comprising wheat gluten and the methods for manufacturing such compositions.

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The method for preparing the chewing gum begins with blending wheat gluten and texturizing agents. The liquid components, including water and glycerol, may be added to the powder in a low-shear mixer and then the mixing may be completed in a higher-shear mixer. Glycerin and water are used in a ratio of 2 parts glycerin per part of water (= 31% water - see Example 1, column 5).

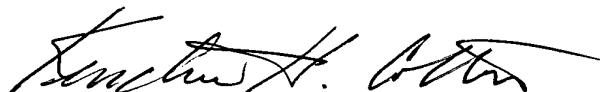
The current invention has demonstrated that vital wheat gluten, which is essentially not denaturated, can be developed in non-aqueous medium containing less

than 20% of water.

Accordingly, Applicants respectfully submit their application merits allowance.

Respectfully submitted,

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